

DECLASSIFIED	
Authority	WD 969030
By	AL NARA Date 9/30

DECLASSIFIED  
PA/HO Department of State  
E.O. 12958, as amended  
July 12, 2005



## DEPARTMENT OF STATE

Washington, D.C. 20520

June 20, 1972

~~SECRET~~

MEMORANDUM FOR MR. HENRY A. KISSINGER  
THE WHITE HOUSE

Subject: NSDM 157: July-August Preparatory  
Meeting for the Law of the Sea Con-  
ference

Attached is a report prepared by the Inter-Agency Task Force on the Law of the Sea regarding the July 17-August 18 Geneva preparatory meeting for the Law of the Sea Conference. The report contains negotiating recommendations as requested in NSDM 157 of March 13, 1972. The report is being concurrently submitted to the various agencies for comment and clearance.

A Task Force report on the February-March meeting of the U.N. Seabed Committee, a copy of which is attached, was submitted on June 1.

The report is divided into seven sections, containing recommendations and options when necessary, which I have summarized below. In view of earlier submissions on the Law of the Sea, additional background material has been presented only where new issues or additional facts are involved.

Section A: The breadth of the territorial sea and free transit through and over international straits. This section presents recommendations on navigation safety and pollution in straits used for international navigation. All vessels would be required to respect international traffic separation schemes established in straits and on the high seas. State (military) aircraft would be required to respect International Civil Aviation Organization (ICAO) rules when exercising a right of free transit under our

~~SECRET~~

DECLASSIFIED	
Authority	WFO 969030
By	AB NARA Date 9/30

DECLASSIFIED  
PA/HO Department of State  
E.O. 12958, as amended  
July 12, 2005

~~SECRET~~

2.

straits proposal, except in special circumstances of operational necessity. Vessels and state aircraft exercising the right of free transit through and over straits would be strictly liable for accidents caused by deviations from the traffic separation and ICAO rules.

Section B: Archipelagos. This section presents background and two options regarding the desire of island States to control the waters within their island groups, and discusses the relationship between the archipelago problem and our straits objectives. Both options contemplate a limited definition of archipelagos in order to prevent abusive application of the concept. The first option would essentially concede exclusive resource jurisdiction in archipelagic waters, but otherwise treat such waters as high seas. The second option would treat such waters as internal or territorial, but subject to a right of free transit for vessels and aircraft, including submerged submarines, through suitable corridors in the archipelago.

Section C: Resources generally. This section recommends greater emphasis at the summer session on the importance of US resource objectives, in particular regarding US opposition to the establishment of a resource zone contrary to US interests and an international monopoly over deep seabed resources.

Section D: Fisheries. This section recommends greater tactical flexibility for the delegation in achieving US fisheries objectives.

Section E: Seabeds. This section contains additional analysis of US seabed resource interests in support of the general recommendation in "Section C: Resources Generally." In particular, it addresses US interests in secure supplies of petroleum and minerals, and in protecting US investors.

Section F: Marine Pollution. Although seabeds pollution is dealt with in our seabeds proposals, this is the first comprehensive submission on the problem that deals with, inter alia, vessel pollution and prevention of vessel accidents that can cause pollution, in connection with the Law of the Sea negotiations. The basic emphasis is on the establishment of international (as opposed to coastal State)

~~SECRET~~

DECLASSIFIED	
Authority	WFO 969030
By	AB NARA Date 9/30

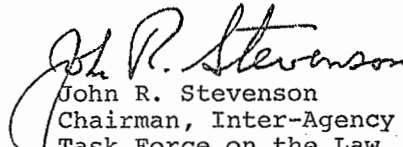
DECLASSIFIED  
PA/HO Department of State  
E.O. 12958, as amended  
July 12, 2005

~~SECRET~~

3.

standards regarding vessels through the Inter-Governmental Maritime Consultative Organization (IMCO). Coastal State concerns regarding pollution are sought to be accommodated through additional port State enforcement authority regarding construction standards, and the expansion of coastal State enforcement rights on the high seas in one or more of the following ways: an increased coastal State right of intervention on the high seas to prevent imminent danger of pollution, a coastal State enforcement zone, in which specified international standards would be enforced by the coastal State, and enforcement of specified international standards on the high seas by enforcement vessels of all States.

Section G: Scientific Research. Although seabeds research is dealt with in our seabeds proposal, this is the first comprehensive submission on marine research, and background is presented along with the recommendations. The policy proposals are basically designed to persuade and provide coastal developing countries with an interest in maximum freedom of scientific research, particularly by offering to enhance their ability to put scientific data to use for their own economic development. The proposals were formed in the light of moves by coastal developing countries to control scientific research in a broad zone off their coasts.

  
John R. Stevenson  
Chairman, Inter-Agency  
Task Force on the Law  
of the Sea

Attachments:

1. Response to NSDM 157
2. Report of February-March Meeting

~~SECRET~~